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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,577	07/17/2003	Masatsugu Ogawa	065686-0156	8852
22428	7590	01/31/2006	EXAMINER	
FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			HALEY, JOSEPH R	
			ART UNIT	PAPER NUMBER
			2653	

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/620,577

Applicant(s)

OGAWA, MASATSUGU

Examiner

Joseph Haley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 4-27 and 31-54 is/are allowed.
- 6) ☒ Claim(s) 1,2,28 and 29 is/are rejected.
- 7) ☒ Claim(s) 3 and 30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

The Information disclosure statements filed on 7/17/03 and 9/24/04 have been considered by the examiner. However, the Japan and/or other foreign references, if they have not been written in English, are considered to the extent that could be understood by the English Abstract and drawings.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, and 28-29 are rejected under 35 U.S.C. 102(b) as being anticipated by the applicant's admitted prior art.

In regard to claim 1, the applicant's admitted prior art teaches an information recording medium being recorded information relating to adjustment of the recording conditions and being based on a comparison result between asymmetry values which are obtained from signal recorded in said information recording medium under at least two or more recording conditions, as a readable information at a predetermined

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position of said information recording medium (see fig. 3 and discussion in paragraph 58).

In regard to claim 2, the prior art teaches a first asymmetry value at a first recording power in which jitter becomes minimum is compared with a second asymmetry value at a second recording power of multiplication of said first recording power by coefficient of 0.85, and said information relating to adjustment of said recoding conditions generated on the basis of the comparison result is recorded as a readable information at a predetermined position of said information recording medium (see fig. 3).

In regard to claim 28, the prior art teaches a method of adjusting recoding conditions of an information recording medium comprising the steps of: comparing asymmetry values, which are obtained by a signal recorded in said information recording medium, under at least two or more recording conditions; and deciding an adjusting method of recording conditions on the basis of the comparison result (see paragraph 12 lines 1-3 where the prior art teaches adjusting the recording power using the beta method. Adjusting the power is considered by the examiner to be an adjustment of a method).

In regard to claim 29, the prior art teaches a first asymmetry value at a first recording power at which a jitter becomes minimum is compared with a second asymmetry value at a second recording power obtained by multiplication of said first recording power by a coefficient of 0.85 (see fig. 3).

***Allowable Subject Matter***

Claims 4-27, and 31-54 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art fails to teach a flag indicating whether or not a difference in asymmetry values is greater or equal to a reference value.

Claims 3 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Minemura (US 6269062) and Toda (US 2005/0088940) both discuss asymmetry in laser power signals.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Haley whose telephone number is 571-272-0574. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jrh 

  
TAN DINH  
PRIMARY EXAMINER  
11/25/06